

EXHIBIT ⁴

DATE

1/22/09

HB

228



NATIONAL RIFLE ASSOCIATION OF AMERICA
INSTITUTE FOR LEGISLATIVE ACTION
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STATE & LOCAL AFFAIRS DIVISION
RANDY KOZUCH, DIRECTOR

TO: Members of the House Judiciary Committee
FROM: Randy Kozuch, Director, NRA-ILA State & Local Affairs *RK*
DATE: January 21, 2009
RE: House Bill 228 (Self-defense/Right to Keep & Bear Arms) - **SUPPORT**

On behalf of the National Rifle Association and tens of thousands of NRA members in the state of Montana, I would like to register our strong support for House Bill 228. The right of self-defense is a fundamental right. Law-abiding citizens should be afforded every opportunity to defend themselves and their loved ones, without the fear that they will be treated like criminals if they exercise the right to self-defense.

House Bill 228 is a much needed piece of legislation that provides a number of specific protections for law-abiding citizens. House Bill 228 does the following:

- Clarifies the ability of law-abiding citizens to carry a firearm in plain view and to display the firearm for harmless defensive purposes
- Allows a person who can lawfully possess a firearm, and who doesn't use it to commit a criminal offense, to carry it concealed anywhere in the state without first obtaining governmental permission
- Prevents landlords and hotel operators from restricting law-abiding citizens' self-defense rights and requires employers who do restrict such rights to provide a comparable level of security and safety
- Clarifies in statute the existing legal precedent that there is no duty to retreat from a threat before exercising the right to self-defense, and allows a law-abiding citizen to use reasonable force in exercising the authority under existing laws
- Protects law-abiding citizens against seizure of their firearms absent an arrest, and ensures return of seized property if a person is exonerated
- Ensures that self-defense claims are adequately considered during incident investigations; and
- Shifts to the state, if self-defense is asserted by a defendant in a criminal case, the burden of proving an absence of justification, and provides reasonable attorney fees to a person who is accused of an offense and who is found to have acted in self-defense

The National Rifle Association strongly supports HB 228 and urges you to vote for it when it comes before your committee for consideration. If you have any additional questions regarding this legislation, please call Brian Judy, NRA's Montana State Liaison, at (916) 446-2455.